



LONDONDERRY TOWN COUNCIL AGENDA

JANUARY 9, 2023 • 7:00 P.M. • MOOSE HILL COUNCIL CHAMBERS

John Farrell • Chair
Joe Green • Vice Chair
Jim Butler • Councilor
Deb Paul • Councilor
Chad Franz • Councilor

Michael Malaguti • Town Manager
Kellie Caron • Assistant Town Manager | Director of Economic Development
Justin Campo • Finance Director
Kirby Brown • Executive Assistant

A. CALL TO ORDER

B. PUBLIC COMMENT

1. Public Comment
2. Town Election Update
Jonathan Kipp, Town Moderator

C. BUDGET WORKSHOP & REVIEW OF DRAFT WARRANT

Town Council; Budget Committee; Michael Malaguti, Town Manager; Justin Campo, Finance Director

D. PUBLIC HEARINGS

1. **Ordinance #2023-01** – A Rezoning Request Relative to Rezoning Map 13, Lot 143
(Kellie Caron, Assistant Town Manager | Director of Economic Development; Michael Malaguti, Town Manager)
2. **Resolution #2022-23** – Commercial Industrial Tax Exemption Program (Proposed Revisions)
(Michael Malaguti, Town Manager; Kellie Caron, Assistant Town Manager | Director of Economic Development)
3. **Resolution #2023-02** – Acceptance of Unanticipated Revenue Under RSA 31:95-b, III(a) for the

Purpose of Concluding the Lithia Springs Conservation Transaction: Land and Community Heritage Investment Program Grant Award (\$300,000)
(Michael Malaguti, Town Manager)

4. **Resolution #2023-03** – Acceptance of Unanticipated Revenue Under RSA 31:95-b, III(a) for the Purpose of Concluding the Lithia Springs Conservation Transaction: Aquatic Resources Mitigating Fund Program Grant Award (\$500,000)

E. NEW BUSINESS

1. LFD Stryker PowerLOAD Ambulance Lift Purchase
(Darren O'Brien, Fire Chief; Michael Malaguti, Town Manager)
2. **Ordinance #2023-01** – A Rezoning Request Relative to Rezoning Map 13, Lot 143
(Kellie Caron, Assistant Town Manager | Director of Economic Development; Michael Malaguti, Town Manager)
3. **Resolution #2022-23** – Commercial Industrial Tax Exemption Program
(Michael Malaguti, Town Manager; Kellie Caron, Assistant Town Manager | Director of Economic Development)
4. **Resolution #2023-02** – Acceptance of Unanticipated Revenue Under RSA 31:95-b, III(a) for the Purpose of Concluding the Lithia Springs Conservation Transaction: Land and Community Heritage Investment Program Grant Award (\$300,000)
(Michael Malaguti, Town Manager)
5. **Resolution #2023-03** – Acceptance of Unanticipated Revenue Under RSA 31:95-b, III(a) for the Purpose of Concluding the Lithia Springs Conservation Transaction: Aquatic Resources Mitigating Fund Program Grant Award (\$500,000)
(Michael Malaguti, Town Manager)

F. OLD BUSINESS

G. APPROVAL OF MINUTES

December 19, 2022 Town Council Minutes

H. APPOINTMENTS/REAPPOINTMENTS

1. Reappointment of Lynn Wiles as an Alternate Member on SNHPC (Term Exp. 12/23)
2. Reappointment of Jeff Penta as an Alternate Member on SNHPC (Term Exp. 12/23)
3. Resignation of Gary Stewart from SWEC

I. OTHER BUSINESS

1. Liaison Reports

2. Town Manager Report
3. Assistant Town Manager Report

J. ADJOURNMENT

K. MEETING SCHEDULE

1. Budget Public Hearing/Town Council Meeting 01/16/2023
Moose Hill Council Chambers, 7:00 P.M.
2. Town Council Meeting 01/23/2023
Moose Hill Council Chambers, 7:00 P.M.

To the inhabitants of Londonderry in the County of Rockingham in the State of New Hampshire qualified to vote in Town Affairs:

Voters are hereby notified to meet at the Londonderry High School Cafeteria in Londonderry on Saturday, the eleventh (11th) day of February 2023, at nine o'clock in the morning for the Deliberative Session of the Budgetary Town Meeting.

Voters are further notified to meet at the Londonderry High School Gymnasium on Tuesday, March 14, 2023, to choose all necessary Town Officers for the ensuing year, and to act upon the proposed Fiscal Year 2024 budget, as may be amended at the Deliberative Session, by official ballot, the polls to be open at six o'clock in the morning and to close not earlier than eight o'clock in the evening.

ARTICLE NO. 1: [ELECTION OF OFFICERS]

To choose all necessary Town Officers for the ensuing year or until another is chosen or appointed and qualified.

ARTICLE NO. 2: [AMENDMENT TO TOWN CHARTER – TREASURER]

Shall the municipality approve the charter amendment reprinted and summarized below: (words removed are [bracketed] and new words are **in bold**)

Section 5.7. Treasurer

There shall be a Town Treasurer (hereinafter called “Treasurer”) who shall have all the powers and duties granted by this Charter and State Law. The Treasurer shall be [elected on an at-large basis to a term of three (3) years at the Town Election] **appointed by the Town Council upon recommendation of the Town Manager for a three (3)-year term.** Vacancies in the office of Treasurer shall be filled pursuant to state law.

If the amendment is adopted, the Town Treasurer shall be appointed by the Town Council for a three (3)-year term instead of being elected for a three (3)-year term. If the amendment is adopted, the elected Treasurer shall remain in office until the 2024 annual town election.

ARTICLE NO. 3: [FISCAL YEAR 2024 TOWN OPERATING BUDGET]

Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling **\$40,661,711**. Should this article be defeated, the default budget shall be **\$40,662,867** which is **the amount of the appropriations contained in the operating budget authorized for the previous fiscal year**, with certain adjustments required by previous action of the Town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

(If passed, this article will require the Town to raise \$21,808,499 in property taxes, resulting in a tax rate impact of \$4.196 in FY 24 based upon projected assessed values.)

The Town Council by a vote of ___ recommends a YES vote; the Budget Committee by a vote of ___ recommends a YES vote.

ARTICLE NO. 4: [EXPENDABLE MAINTENANCE TRUST FUND]

To see if the Town will vote to raise and appropriate the sum of **ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$180,000)** to be placed in the Town's Expendable Maintenance Trust Fund for the purpose of repairing and maintaining town facilities and infrastructure and further to authorize the use of **NINETY THOUSAND DOLLARS (\$90,000)** from the June 30 Unassigned Fund Balance towards this appropriation.

(If passed, this article will require the Town to raise \$90,000 in property taxes, resulting in a tax rate impact of \$0.017 in FY 24 based upon projected assessed values.)

The Town Council by a vote of ___ recommends a YES vote; the Budget Committee by a vote of ___ recommends a YES vote.

ARTICLE NO. 5: [ROADWAY MAINTENANCE EXPENDABLE TRUST FUND]

To see if the Town will vote to raise and appropriate the sum of **THREE HUNDRED THOUSAND DOLLARS (\$300,000)** to be placed in the Roadway Maintenance Expendable Trust Fund.

(If passed, this article will require the Town to raise \$300,000 in property taxes, resulting in a tax rate impact of \$0.058 in FY 24 based upon projected assessed values.)

The Town Council by a vote of ___ recommends a YES vote; the Budget Committee by a vote of ___ recommends a YES vote.

ARTICLE NO. 6: [DPW EQUIPMENT/VEHICLE LEASES]

To see if the Town will vote to authorize the Town Manager to enter into up to a 10-year lease agreement in the amount of **SIX HUNDRED SEVENTY-THOUSAND DOLLARS (\$670,000)** for the purpose of leasing three 6-wheel trucks and proper equipment and one Utility Pick-up Truck, and to raise and appropriate the sum **EIGHTY-FIVE THOUSAND DOLLARS (\$85,000)** for the first year's payment for that purpose. This lease agreement contains an escape clause.

(If passed, this article will require the Town to raise \$85,000 in property taxes, resulting in a tax rate impact of \$0.016 in FY 24 based upon projected assessed values.)

The Town Council by a vote of ___ recommends a YES vote; the Budget Committee by a vote of ___ recommends a YES vote.

ARTICLE NO. 7: [FIRE DEPARTMENT EQUIPMENT CAPITAL RESERVE FUND]

To see if the Town will vote to raise and appropriate **ONE HUNDRED THOUSAND DOLLARS (\$100,000)** to be placed in the Fire Equipment capital reserve fund and further to authorize the use of **FIFTY THOUSAND DOLLARS (\$50,000)** from the June 30 Unassigned Fund Balance towards this appropriation.

(If passed, this article will require the Town to raise \$50,000 in property taxes, resulting in a tax rate impact of \$0.010 in FY 24 based upon projected assessed values.)

The Town Council by a vote of ___ recommends a YES vote; the Budget Committee by a vote of ___ recommends a YES vote.

ARTICLE NO. 8: [PILLSBURY CEMETERY EXPANSION CAPITAL RESERVE FUND]

To see if the Town will vote to raise and appropriate **SEVENTY-FIVE THOUSAND DOLLARS (\$75,000)** to be placed in the Pillsbury Cemetery Expansion capital reserve fund and further to authorize the use of **TWENTY-FIVE THOUSAND DOLLARS (\$25,000)** from the June 30 Unassigned Fund Balance towards this appropriation.

(If passed, this article will require the Town to raise \$50,000 in property taxes, resulting in a tax rate impact of \$0.010 in FY 24 based upon projected assessed values.)

The Town Council by a vote of ___ recommends a YES vote; the Budget Committee by a vote of ___ recommends a YES vote.

ARTICLE NO. 9: [INFORMATION TECHNOLOGY CAPITAL RESERVE FUND]

To see if the town will vote to raise and appropriate the sum of **TWENTY-FIVE THOUSAND DOLLARS (\$25,000)** to be placed in the Information Technology capital reserve fund.

(If passed, this article will require the Town to raise \$25,000 in property taxes, resulting in a tax rate impact of \$0.005 in FY 24 based upon projected assessed values.)

The Town Council by a vote of ___ recommends a YES vote; the Budget Committee by a vote of ___ recommends a YES vote.

ARTICLE NO. 10: [RECREATION REVOLVING FUND]

To see if the town will vote to raise and appropriate **TEN THOUSAND DOLLARS (\$10,000)** to be placed in the Recreation Revolving Fund.

(If passed, this article will require the Town to raise \$10,000.00 in property taxes, resulting in a tax rate impact of \$0.002 in FY 24 based upon projected assessed values.)

The Town Council by a vote of ___ recommends a YES vote; the Budget Committee by a vote of ___ recommends a YES vote.

ARTICLE NO. 11: [RATIFY A NEW COLLECTIVE BARGAINING AGREEMENT BETWEEN LONDONDERRY POLICE EMPLOYEES ASSOCIATION AND THE TOWN OF LONDONDERRY]

To see if the Town will vote to approve the cost items included in the collective bargaining agreement reached between the Town of Londonderry and the Londonderry Police Employees Association, which calls for the following additional appropriations for salaries and benefits over what was required under the current, expiring agreement with the employees of the Union:

<u>Year</u>	<u>Estimated Increase from Budget</u>	<u>Estimated Tax Increase from Budget</u>
FY 2024	\$337,506	\$0.065

<u>Year</u>	<u>Estimated Increase from Previous FY</u>	<u>Estimated Tax Increase from Previous FY</u>
FY 2025	\$478,440	\$0.092
FY 2026	\$289,629	\$0.056
FY 2027	\$166,596	\$0.032
FY 2028	\$221,685	\$0.043

And further, to raise and appropriate the sum of **THREE-HUNDRED THIRTY-SEVEN THOUSAND FIVE HUNDRED AND SIX DOLLARS (\$337,506)** for FY 2024 expenses, such sum representing the additional costs attributable to the increase in salaries and benefits over those of the appropriation at the current staffing levels paid under any existing agreements. (Londonderry Police Employees Association represents ___ full-time and 3 part-time Police Department employees).

(If passed, this article will require the Town to raise \$337,506.00 in property taxes, resulting in a tax rate impact of \$0.065 in FY 24 based upon projected assessed values.)

The Town Council by a vote of ___ recommends a YES vote; the Budget Committee by a vote of ___ recommends a YES vote.

ARTICLE NO. 12: [AUTHORIZATION FOR SPECIAL MEETING ON COST ITEMS]

Shall the Town, if Article 12 is defeated, authorize the Town Council to call one special meeting, at its option, to address Article 12 cost items only.

(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 24 based upon projected assessed values.)

*Town of Londonderry
2022 Annual Report*

2023 Warrant

The Town Council by a vote of ___ recommends a YES vote; the Budget Committee by a vote of ___ recommends a YES vote.

ARTICLE NO. 13: [ADD FULL-TIME LIBRARY SERVICES TECHNICIAN]

To see if the Town will vote to raise and appropriate **ONE HUNDRED EIGHT THOUSAND EIGHT HUNDRED AND FIFTY-NINE DOLLARS (\$108,859)** for the purpose of adding a full-time Library Services Technician to the Leach Library's staff.

(If passed, this article will require the Town to raise \$108,859.00 in property taxes, resulting in a tax rate impact of \$0.021 in FY 24 based upon projected assessed values.)

The Town Council by a vote of ___ recommends a YES vote; the Budget Committee by a vote of ___ recommends a YES vote. The Library Trustees by a vote of ___ recommend a YES vote.

ARTICLE NO. 14: [CABLE EQUIPMENT CAPITAL RESERVE FUND]

To see if the Town will vote to raise and appropriate **THIRTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$32,500)** to be placed in the Cable Equipment capital reserve fund with funding to come from the annual distribution of Public Educational and Government Access programming from the current Franchise Agreement.

(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 24 based upon projected assessed values.)

The Town Council by a vote of ___ recommends a YES vote; the Budget Committee by a vote of ___ recommends a YES vote.

ARTICLE NO. 15: [WATER SYSTEM UPGRADES]

To see if the Town supports raising at least several, and likely tens, of millions of dollars in property taxes required to acquire, construct and/or upgrade the Town's drinking water system. The purpose of this nonbinding article is to gauge voter support for devoting municipal resources, including tax dollars, to this work.

(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 24 based upon projected assessed values.)

The Town Council by a vote of ___ recommends a YES vote; the Budget Committee by a vote of ___ recommends a YES vote.

ARTICLE NO. 16: [TRANSACTION OF OTHER BUSINESS]

To transact any other business that may legally come before this meeting. No business enacted under this article shall have any binding effect upon the Town.

Given under our hands and seal, this 16th day of January, in the year of our Lord, Two Thousand and twenty-three.

***TOWN COUNCIL
LONDONDERRY, NEW HAMPSHIRE***

John Farrell - Chairman

Joseph V. Green - Vice Chairman

James Butler - Councilor

Deb Paul - Councilor

Chad Franz - Councilor

I hereby certify that notice was given to the inhabitants of the Town of Londonderry to meet for the 2023 Town Meeting at the time and place indicated in this Warrant, by posting an attested copy of this document on January __, 2023 at the Londonderry High School Gymnasium, the place of meeting, and at the Town Hall, School District Office and Leach Public Library.

Michael Malaguti
Town Manager

LEGAL NOTICE

The Londonderry Town Council will hold PUBLIC HEARINGS on the following items:

Ordinance #2023-01 – An Amendment to the Zoning Ordinance Relative to Rezoning Map 13, Lot 143

Resolution #2022-23 – Commercial Industrial Tax Exemption Program (Amendment)

The public hearings will occur on Monday, January 9, 2023 at 7:00 PM at the Londonderry Town Hall, 268B Mammoth Road, Londonderry, NH 03053.

Londonderry Town Council

First Reading: 12/19/2022
Second Reading/Public Hearing: 1/9/2023
Adopted: 1/9/2023

ORDINANCE #2023-01
AN AMENDMENT TO THE ZONING ORDINANCE
RELATIVE TO REZONING MAP 13, LOT 143

WHEREAS the existing parcel, Map 13, Lot 143, 0 RR Rockingham Road is zoned Agricultural Residential-1;

WHEREAS the Planning Board has received a request to rezone a portion of the above-referenced parcel to Commercial-II beginning at the northern side of Rockingham Road (Route 28) and ending near Auburn Road; and

WHEREAS the Planning Board has recommended that the Town Council act unfavorably upon the request;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the rezoning a portion of Map 13, Lot 143 beginning at the northern side of Rockingham Road (Route 28) and ending near Auburn Road to Commercial-II, to become effective upon passage by the Town Council.

John Farrell - Chairman
Town Council

Sharon Farrell
Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
1/9/2023

Orr&Reno

Robert S. Carey
rcarey@orr-reno.com
Direct Dial 603.223.9110
Direct Fax 603.223.9010

January 3, 2023

VIA ELECTRONIC DELIVERY

Town Council
Town of Londonderry
268B Mammoth Road
Londonderry, NH 03053

Re: Re-zoning Application of Gizmo Enterprises

Dear Town Council:

I represent Gizmo Enterprises. I am writing to supplement its re-zoning application.

If the Town Council approves this application, for as long as Gizmo Enterprises uses a portion of the DOT's property, Gizmo Enterprises will plant and maintain vegetation in the leased area next to the rail trail in order to provide natural screening of Gizmo's property.

Very truly yours,



Robert S. Carey

cc: Todd Bahan, Gizmo Enterprises

ltr to Town Council 1-3-23(4154719.1)



Town of Londonderry
Planning and Economic Development Department

268B Mammoth Road
Londonderry, NH 03053
Phone 603.432.1100 x 134
www.londonderrynh.org

To: Town Council
From: Kellie Caron, Assistant TM | Director of Economic Development
CC: Michael Malaguti, Town Manager
Date: January 9, 2023
Re: Rezoning Recommendation from Planning Board

On October 5, 2022, the Planning Board held a public hearing on a request to rezone a portion of 0 RR Rockingham Road (Map 13 Lot 143) State of New Hampshire DOT (Owners) and Gizmo Enterprises, LLC (Applicant) from AR-I (Agricultural Residential 1) to C-II (Commercial-II).

Attached to this memorandum are the initial rezoning request, the Staff Memorandum to the Planning Board summarizing the request, the Planning Board Notice of Decision and minutes of the October 5, 2022 Planning Board meeting.

The Planning Board made a motion to ***recommend that the Town Council deny the applicant's request to rezone a portion of 0 RR Rockingham Road (otherwise known as the Londonderry Rail Trail - Map 13 Lot 143-0, Zoned AR-1) located to the east of Four Commercial Lane (Map 13 Lot 104-2), to Commercial II (C-II).***

The motion passed, 7-0-1 with Deb Paul abstaining.

The reasons for recommending denial to Town Council are as follows: (1) the rezoning of the AR-1 parcel to as commercial property would eliminate the 50 ft landscaping buffer that is currently imposed on abutting commercial and industrial property which would negatively affect the scenic landscape and viewscape of the existing rail trail to which residents and the community alike have grown accustomed; (2) rezoning is not aligned with the master plan; (3) there is the potential of improper spot/split zoning; (4) safety concerns with no buffer to the users of the rail trail; (5) potential conflict with the Rail Trail agreement between the Town of Londonderry and the State of New Hampshire, Department of Transportation; (6) the inability of the applicant to obtain site plan approval; and (7) negative planning effects for the Town in the immediate and long term future.

STAFF RECOMMENDATION

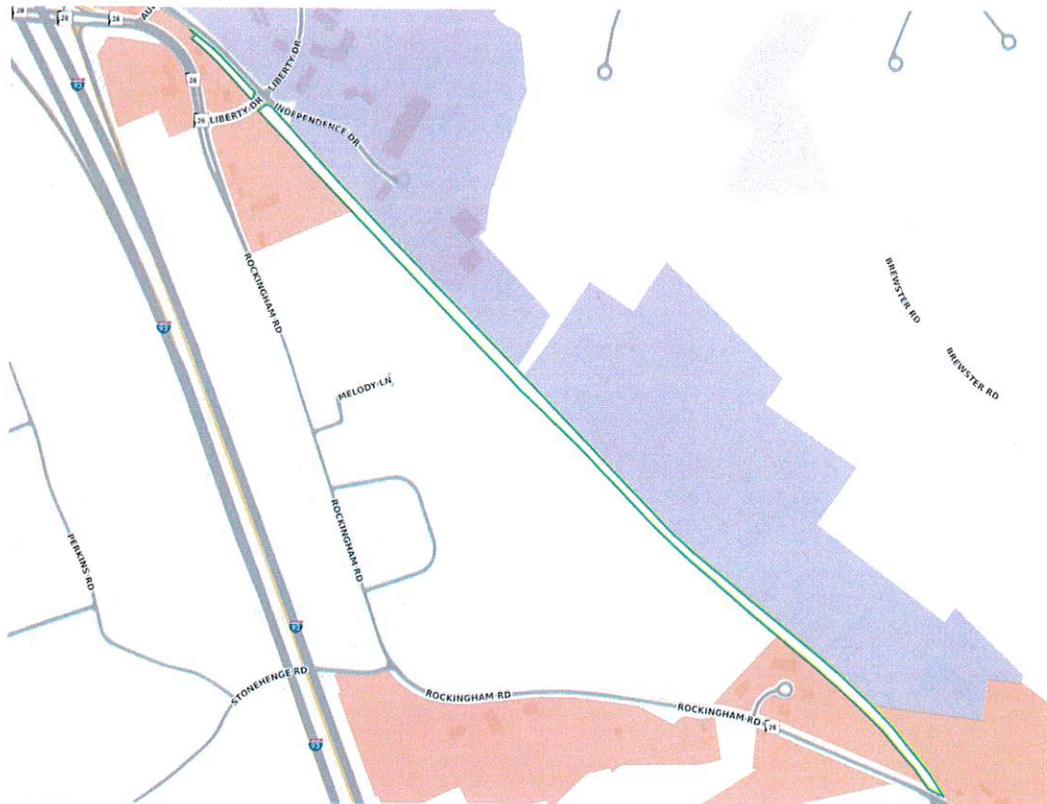
To: Planning Board
From: Kellie Walsh, Town Planner
Re: Rezoning Request

Date: October 5, 2022

Rezoning request to rezone a portion of 0 RR Rockingham Road (Map 13 Lot 143) State of New Hampshire DOT (Owners) and Gizmo Enterprises, LLC (Applicant) from AR-I (Agricultural Residential 1) to C-II (Commercial-II).

Existing Conditions and Background:

The Applicants are requesting to rezone one property from AR-1 (Agricultural Residential 1) to C-II (Commercial-II)



0 RR Rockingham Road (Map 13, Lot 143) is a parcel more commonly known as the Rail Trail. In this request, the focus is on a portion of the rail trail beginning at the northern side of Rockingham Road(Route 28) and ending near Auburn Road. The corridor is approximately 80-100 feet wide.

This section of the rail trail (Map 13, Lot 143) abuts a light industrial park and commercial business park (zoned C-II), residential parcels (AR-1), and a parcel owned by Eversource/PSNH (zoned Ind-II and AR-I). Additionally, there are wetlands located in close proximity to the subject area.

The 2013 Master Plan identifies this area as a “G-2 Controlled Growth Sector”. According to the Master Plan:

The Controlled Growth Sector is assigned to areas that may support mixed use development due to proximity to one or more existing or planned thoroughfares. Development in this Sector should occur in the form of conservation subdivisions containing open space or activity centers.

Rezoning Request:

The Applicants are requesting to rezone a portion of the rail trail beginning at the northern side of Rockingham Road (Route 28) and ending near Auburn Road.

Please see the attached rezoning request. The Applicant has provided a draft (unstamped) existing conditions plan of parcel 13-104-2 (Groundhog Landscaping) as well as information from NHDOT Bureau of Rail and Transit.

Board Action Required

Should the Board find that the request is reasonable and consistent with the surrounding uses and the Master Plan, the Board may make a recommendation motion as follows:

Move to **recommend** to the Town Council approval of the rezoning request to rezone a portion of 0 RR Rockingham Road (Map 13 Lot 143) State of New Hampshire DOT (Owners) and Gizmo Enterprises, LLC (Applicant) from AR-I (Agricultural Residential 1) to C-II (Commercial-II).

Conversely the Board may make a motion to recommend that the Town Council **deny** the request for re-zoning, if it finds that the request is not consistent with the Master Plan and the surrounding uses.



Town of Londonderry

Planning & Economic Development Department

268B Mammoth Road
Londonderry, New Hampshire 03053
Phone (603) 432-1100 x149
www.londonderrynh.org



NOTICE OF DECISION

The Londonderry Planning Board held a public hearing on Wednesday, October 5, 2022 to consider the following:

Rezoning request by Gizmo Enterprises, LLC (Applicant) and State of New Hampshire (Owner) to rezone a portion of 0 RR Rockingham Road (otherwise known as the Londonderry Rail Trail - Map 13 Lot 143-0, Zoned AR-1) located to the east of Four Commercial Lane (Map 13 Lot 104-2), to Commercial II (C-II)

Member A. Sypek made a motion to recommend to Town Council to deny the applicant's request to rezone a portion of 0 RR Rockingham Road (otherwise known as the Londonderry Rail Trail - Map 13 Lot 143-0, Zoned AR-1) located to the east of Four Commercial Lane (Map 13 Lot 104-2), to Commercial II (C-II).

Member J. Butler seconded the motion.

The motion passed, 7-0-1 with Deb Paul abstaining.

The reasons for recommending denial to Town Council are as follows: (1) the rezoning of the AR-1 parcel to as commercial property would eliminate the 50 ft landscaping buffer that is currently imposed on abutting commercial and industrial property which would negatively affect the scenic landscape and viewscape of the existing rail trail to which residents and the community alike have grown accustomed; (2) rezoning is not aligned with the master plan; (3) there is the potential of improper spot/split zoning; (4) safety concerns with no buffer to the users of the rail trail; (5) potential conflict with the Rail Trail agreement between the Town of Londonderry and the State of New Hampshire, Department of Transportation; (6) the inability of the applicant to obtain site plan approval; and (7) negative planning effects for the Town in the immediate and long term future.

This notice is given pursuant to RSA 676:3.

Londonderry Planning Board

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF October 5, 2022, AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Al Sypek, Vice Chair; Jake Butler, Secretary; Jeff Penta, member; Ann Chiampa, member; Deb Paul, Ex-Officio – Town Council; Giovanni Verani, Town Manager; Roger Fillio, alternate member; and Ted Combes, alternate member

Also Present: Kellie Walsh, Town Planner; John Trottier, Director of Public Works and Engineering; Laura Gandia, Associate Planner; and Beth Morrison, Recording Secretary

Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. He appointed R. Fillio to vote for L. Wiles.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member A. Sypek made a motion to approve the minutes of September 7, 2022, as presented.

J. Butler seconded the motion.

The motion was granted, 7-0-1, with T. Combes abstaining. The Chair voted in the affirmative.

Member A. Sypek made a motion to approve the minutes of September 14, 2022, as presented.

J. Butler seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

B. REGIONAL IMPACT DETERMINATIONS: Town Planner Walsh informed the Board that she had no projects for their consideration this evening.

C. Discussion with Town Staff:

Chairman Rugg asked how construction was going on Harvey Road. J. Trottier told the Board that the construction is going slow and steady. Town Planner Walsh commented that Staff has already rectified some of the concerns raised at the last

Planning Board meeting regarding the Derry Medical Center (DMC) building at Woodmont. She went on noting that Staff will continue to address the other concerns through the inspection and enforcement process. She emphasized that going forward if Board members have complaints regarding approved, active projects to please submit them to the Code Enforcement Officer. She mentioned that Staff is evaluating the request from a Board member that building elevations labeled with materials to be used be provided going forward for all commercial site plans. Chairman Rugg expressed his opinion, that he did not believe there is a statute that would allow the Board to do this unless it is a Historic District. He added that the city of Portsmouth has some strict rules, but that is because a large part of the city is in the Historic District. He said that it might be good to talk to the town attorney to review this. He asked for a non-meeting with the town attorney for a review of the rules of the Planning Board. J. Butler asked if what issues have been rectified and what is still outstanding could be discussed this evening. Chairman Rugg replied that this would be best handled outside the meeting through email with the Town Planner Walsh.

III. Old Business – N/A

IV. New Plans

A. Public hearing on a rezoning request by Gizmo Enterprises, LLC (Applicant) and State of New Hampshire (Owner) to rezone a portion of 0 RR Rockingham Road (otherwise known as the Londonderry Rail Trail - Map 13 Lot 143-0, Zoned AR-1) located to the east of Four Commercial Lane (Map 13 Lot 104-2), to Commercial II (C-II)

Chairman Rugg read the case into the record. Robert Carey, Esquire at 45 S. Main Street, Box 3550, Concord, addressed the Board. He also introduced Todd Bahan, owner at Gizmo properties that is with him this evening in the audience. R. Carey started off the discussion noting that they would a strip of land approximately 1.5 miles long and about 80-feet to 100-feet wide be rezoned to C-II. Chairman Rugg asked if the rezoning was just for Four Commercial Lane. R. Carey replied that Four Commercial Lane is already zoned C-II and the strip he just spoke about is owned by The New Hampshire Department of Transportation (NH DOT) and is currently zoned AR-I. Chairman Rugg clarified that the applicant is asking to rezone from Auburn Road all the way to Liberty Drive. R. Carey commented that this request was made in consultation with the Planning Department this summer to try and figure out a collaborative way to address the situation. Chairman Rugg asked for specifics regarding exactly what he is looking to rezone, as the Board has never had a request such as this. R. Carey replied that he identified the exact strip of land they would like to rezone in Exhibit 1, from his submission, which is attached hereto. He read from his applications as follows: "It begins, roughly, at the northern side of Rockingham Road-Route 28 and ends near Auburn Road, where the track crosses Rockingham Road-Route 28 again." A. Chiampa interjected that it does not cross Route 28 at Auburn Road, but goes straight across Auburn Road. R. Carey noted that intersection is what he is referring to. Chairman Rugg remarked that the Board needs exactly and not roughly. R. Carey asked how the Board would

like him to do this. Chairman Rugg replied that it is up to him, but if he cannot give exactly, it might be a problem. R. Carey noted that he has described it as exactly as he can, stating that he does not have the latitude and longitude. He asked to be able to give an overview and then discuss how it might look. Chairman Rugg stated he could proceed, noting it could potentially be a concern. R. Carey said that his client has owned this property, Four Commercial Lane, since 2004, using it for his business, Groundhog Landscaping. He went on stating that there is no staff on site, but used to store equipment, as well as sand and gravel used for his business. He mentioned that the sand and gravel are stored in very large cylinder blocks in open areas on the site. He pointed out that the functional footprint of the site has encroached past his client's property line into the railroad corridor. He said that his client was unaware of this, and when it was brought to his attention this summer, they immediately reached out to NHDOT. He remarked that NHDOT told his client that they are not concerned about the encroachment. He mentioned that in his application there is a letter from NHDOT which states that they are okay leasing the property to his client. Chairman Rugg pointed out that the letter from NHDOT states they will take the potential lease of the land under advisement and are not in the position to enter a lease. R. Carey agreed noting that NHDOT is awaiting this decision this evening, noting they will not be entering a lease if they cannot rezone it. He discussed that neither the state nor the town is subject to zoning. He asked for this to be rezoned to accommodate the functional footprint of his client's business, noting his client has spent significant amount of money improving recently to make is more cosmetically attractive. He reviewed the other properties in the area noting what they are zoned. He suggested that this rezoning is a reasonable accommodation for a long standing business and other businesses that are along the same corridor that also encroach. Chairman Rugg asked for more specific planning issues. R. Carey replied that there are two planning issues that have been raised, noting the first is what impact the rezoning will have on the buffer. He mentioned that under Londonderry's zoning ordinances, if a commercial and industrial properties is going to build a structure or a parking lot within 200-feet of a residential property must have a 50-foot buffer. He expressed his opinion, that he does not believe this is an issue in this particular case, because what has been developed has been developed for a long period of time and the buffer requirement does not seem to be a controlling factor to what has been developed in this area. He added that the corridor to be rezoned, which is about 80-feet to 100-feet wide, is mostly scrub brush and leaves. He discussed the second planning concern which is related to the Rail Trail, noting the town of Londonderry has an agreement with NHDOT to use this for recreational uses. He said that he believes they can address this concern because both Londonderry and NHDOT are exempt from local zoning. He added that regardless of how this corridor is zoned, it does not change the use that both Londonderry and NHDOT can make of it. He summarized that both planning concerns are addressed by the current and long standing use of the surrounding properties and by RSA 674:54, which exempts Londonderry and NHDOT from any sort of zoning requirements. Chairman Rugg asked for the NHDOT representative's name that he has been discussing this with. R. Carey replied that he has been speaking with Matthew Broadhead, Senior Assistant Attorney General, Bureau Chief, Transportation & Construction Bureau, New Hampshire Department of Justice. He stated that one of the factors to look at

with this rezoning is the surrounding uses and the health, safety and welfare. He remarked that the rezoning will not change the use of this corridor at all and will be consistent to what exists now. He voiced his opinion that his client's property is safer for the people that use the Rail Trail because he has the large cylinder blocks that prevents people from having access to equipment and things that could be a hazard. He added that in years past it helped to also deter vandalism that existed before the Rail Trail was developed. He said that the Board should also look at how this might fit into the Master Plan, stating that this very thin strip of land is not on the Master Plan's radar screen. Chairman Rugg asked for specifics in the Master Plan and how he would address these. R. Carey read from page 24 of the Master Plan as follows: "Residents, businesses, and visitors should expect a government that works diligently to link development with quality of-life, while strengthening community and economic vitality." He said that he believes they meet this guiding principal in the Master Plan with the rezoning request. He noted that there is an above ground septic on the site, so they are limited with moving things around. He added that is acceptable to just rezone the area before Four Commercial Lane or the area that he has defined in Exhibit 1. Chairman Rugg asked for the purpose of the rezoning what he had defined on Exhibit 1. R. Carey replied that the purpose of the rezoning is to accommodate his client's business and noted that there are other businesses that encroach all the way up the corridor as well. Chairman Rugg pointed out that the Board had not received any other letters from the other businesses in that area regarding rezoning. R. Carey said that he believes that they are the first business to take this initiative.

Chairman Rugg asked if the Board had any questions. J. Trottier noted that he is familiar with this site plan, but does not remember being as expanded as it is here this evening. He asked if the applicant stated that this encroachment was discovered this summer. R. Carey replied that it was and the site was re-surveyed after the concerns were brought to the applicant's attention. He commented that the survey results were supplied to the town. J. Trottier asked if the expansion of the site just occurred. R. Carey responded that the expansion did not just occur, noting that the expansion looks to have been there for almost 20 years that his client has owned the property. J. Trottier commented that the town would never had approved a site plan that would have encroached into the 50-foot buffer. R. Carey interjected that when the site plan was initially approved, there was no encroachment into the buffer, and as the property has been used over time the encroachment has occurred. J. Trottier pointed out that he has heard from many people that they like the buffer on the Rail Trail, specifically up by Liberty Drive where there are commercial entities. He added that if this is rezoned, that 50-foot buffer would go away. He explained that even if this is rezoned, the applicant would need to come back for a site plan, as he has expanded the use on his site. Town Planner Walsh mentioned that the town does have concern about potential conflict with the Rail Trail agreement, which is between the town of Londonderry and NDHOT. She said that the concern is specifically to allowing commercial uses on the Rail Trail. Chairman Rugg remarked that this would be between the Town Council and the Town Attorney, and he would like the Board to stick to the planning issues. Town Planner Walsh commented that she understands that there have been a number of enforcement issues on this property noting the applicant met with Staff

at that time where a number of ways to deal with the encroachment were discussed. She said that one of the ways discussed was a rezoning request, which is before the Board this evening. J. Butler asked if they were encroaching into the Rail Trail property or the buffer. R. Carey replied that they are in the NHDOT property, but are still roughly 30-feet to 40-feet from the Rail Trail pavement. J. Butler mentioned that in reviewing the GIS it appears as if the applicant has been encroaching since 2010. He asked if the applicant is looking to rezone his portion to lease it from NHDOT. R. Carey replied that is correct. He remarked that they were under the impression that they would have to rezone the whole strip of land, but if the Board would feel more comfortable just rezoning the piece in front of Four Commercial Lane, that is okay with the applicant and he believes it would be okay with NHDOT. T. Combes mentioned that the area to be rezoned is about a half an acre of land that is impacted and thought this might be spot zoning, which he did not think the Board likes to do. Chairman Rugg agreed that the Board would like to keep away from spot zoning. G. Verani asked if it would not be spot zoning since they are contingent to a C-II zone. Chairman Rugg pointed out that the site is contingent to both AR-I and C-II, but the planning question for the Board is whether or not to create more C-II area versus keeping the Rail Trail intact. He added that this would be setting a precedent and the possibility of losing the buffer on the Rail Trail. He mentioned that when the subsidized elderly housing on Sanborn Road was proposed the Conservation Commission wanted more of a buffer put in there, which the developer was able to do. He added that on the eastern end of the Rail Trail, Pittore Bros. Site Plan, which is in design review is also encroaching. He said that Pittore Bros. has been before the Heritage Commission, which recommended to eliminate the encroachment and increase the buffer vegetation. T. Combes asked if there would be an option to increase screening to block the concrete areas from the Rail Trail and allow the business to be able to operate. Chairman Rugg replied that he did not think this would serve the vision for the Rail Trail, as the AR-I zone offers certain opportunities for vegetation. Town Planner Walsh mentioned that in the past the Board has been cautioned about conditioning rezoning recommendations and she would advise against this. Chairman Rugg agreed. G. Verani asked how the applicant could proceed with a site plan for that piece of land that they would lease, even if they got the rezoning. Town Planner Walsh replied that they would be referring to property lines and property bounds. G. Verani pointed out that even with the C-II rezoning, it would not accomplish the main goal. He asked if any part of the site could be relocated to comply with the AR-I zone. R. Carey replied that they did look at it, and it was a close call. He added that the material on the site is material from a farm, such as gravel and sand, and said it is almost a hybrid agricultural use. He commented that NHDOT noted that this strip of land will never be developed regardless of what zone is it as it is just a tiny corridor of land, which would be strip zoning. Chairman Rugg mentioned that in all his experience with planning, you never say never. R. Carey said that he cannot imagine any compatible useful structure that can fit there. Chairman Rugg interjected that this is currently, but he does not know what will happen two years or ten years from now, as zoning is permanently with the property. R. Carey agreed, but asked the Board to consider the existing uses and the dimensions of the strip. G. Verani reiterated that even with the C-II rezoning the applicant would need to comply to site plans regulations, which does not

change the buffer, so he did not think this would accomplish the goal. A. Sypek commented that he is having a hard time with this, as someone would have to know that they are encroaching onto someone's else's land. He voiced his opinion that he is opposed to recommending this adding he would not want to look at cinder blocks when walking down the Rail Trail. R. Fillio remarked that he believes the Board has to be careful with this, specifically with setting a precedent. He stated that this would destroy the ambience of the Rail Trail. J. Penta commented that his biggest issue is that there is a reason this was zoned AR-I, such as the recreational aspect and ambience of the Rail Trail. He said that this could open the town up to different development along the Rail Trail and there could be more piles of dirt along it, which he does not want to see. D. Paul explained that she is not going to say she is for or against this rezoning, as she will save her vote for when the applicant is before the Town Council. She cautioned the Board on setting a precedent. A. Chiampa mentioned that there is a site plan in 2005 with a survey to back it up and then five years later the encroachment started. She asked why this happened. She pointed out that the applicant is encroaching 32-feet into where the Rail Trail property starts, which is not a mistake in her opinion. She echoed that this could set a precedent and then other properties could go to NHDOT and try to get a lease to accommodate their needs. She added that she is concerned about wetlands in the area. She mentioned that she went down to the site yesterday and viewed the encroachment, noting that the piles are two to three feet higher than the fence. She said that so many people use the Rail Trail and appreciate the beauty of it. She noted that there have been enforcement issues in the past, as well as some legal issues, and she is not sure if they are resolved. She expressed her opinion that it is not right to rezone this area and destroy the 50-foot landscape buffer along the area. Chairman Rugg voiced his concern that this is not consistent with the use of the Rail Trail or the AR-I zone. He commented that this could establish precedent, precipitate other changes along the Rail Trail and lose the aesthetics of the Rail Trail. He added that he does not believe that this is good planning, as planning is for the long term.

Chairman Rugg opened up the discussion to the public.

Ray Breslin, Three Gary Drive, addressed the Board. R. Breslin said that he echoes the concerns of Board members. He stated that the Rail Trail should have a buffer. He voiced his opinion that he believes this would set a precedent and he does not think is wise.

Bob Rimol, Two Faye Lane, President of Trailways. B. Rimol said that he believes that Groundhog Landscaping has been a good neighbor to the Rail Trail. He said that they have never have any trash. He commented that Trailways has no objections to the encroachment onto NHDOT property and did not know that Groundhog was encroaching. He added that he believes that there are probably other businesses that are encroaching as well. He stated that he does not believe there is a safety issue or an aesthetic issue. He said that Londonderry Trailways works very hard to keep the Rail Trail safe. He asked if the Board had any questions.

Chairman Rugg brought the discussion back to the Board as there was no further public input. J. Butler asked if the state had any issues with the encroachment. Chairman Rugg replied that he believes the state has not taken a position as far as he can see from the paperwork presented. R. Carey remarked that he has had many conversations with Matthew Broadhead, Senior Assistant Attorney General and they do not have any issues with it and are willing to work with them. He said that in the application, Exhibit 2, is a letter from NHDOT, and is attached hereto. Chairman Rugg read from Exhibit 2 as follows: "The Department continues to review your lease request and is following its normal surplus property process and is not in the position, yet, to enter into a lease for this property." R. Carey read from Exhibit 2 as follows: "the Department grants you permission to submit applications for the development and/or alteration of the property to the Londonderry Town Council and to any land use board of the Town of Londonderry." He reiterated that NHDOT does not have any issue with the encroachment. Chairman Rugg asked for a written letter stating that. A. Chiampa asked if there was an opinion from the Heritage Commission or Conservation Commission. Town Planner Walsh replied that rezoning applications do not go before the Heritage Commission or Conservation Commissions. She noted that at the last Heritage Commission meeting, Staff made the Commission aware of the application. Chairman Rugg stated that there was a discussion regarding this and the consensus was the Commission was not in favor of rezoning. Associate Planner Gandia read from the draft minutes of the September 28, 2022, Heritage Commission meeting as follows: "As a comment, the applicant should be forewarned that this rezoning request is not likely to be favorably viewed by the Heritage Commission."

A. Sypek made a motion to recommend to the Town Council to deny the rezoning request to rezone a portion of 0 RR Rockingham Road (Map 13 Lot 143) State of New Hampshire DOT (Owners) and Gizmo Enterprises, LLC (Applicant) from AR-I (Agricultural Residential 1) to C-II (Commercial-II).

J. Butler seconded the motion.

The motion was granted, 7-0-1, with D. Paul abstaining. The Chair voted in the affirmative.



TOWN OF LONDONDERRY

LONDONDERRY PLANNING BOARD & TOWN COUNCIL

268B Mammoth Road Londonderry, NH 03053 Phone: 432-1100, ext.134 Fax: 432-1128

APPLICATION FOR REZONING REQUEST

LOCATION OF PROPERTY:

Street address 0 RR Rockingham Road Tax map 013 Parcel 143-0

CURRENT ZONING: AR-I

PROPOSED ZONING: C-II

Owner's name (s) State of New Hampshire, DOT Tel. No. _____

Owner's address See attached sheet.

Owner's Email address See attached sheet.

Applicant's name(s) Gizmo Enterprises, LLC Tel. No. (603) 437-4464 Applicant's address
4 Commercial Lane, Londonderry, NH 03053-1316

Applicant's Email address todd@groundhognh.com

Representative's name Robert S. Carey, Esquire Tel. No. (603) 223-9110 Representative's
address: 45 S. Main St., Box 3550, Concord, NH 03302-3550: Email: Rcarey@orr-reno.com

Please explain the purpose for your rezoning request including how the proposed zoning fits in with the neighboring properties and can be justified on the bases of the health, safety and general welfare of the community. Also, please provide an explanation as to how the request is in accordance with comprehensive plan and/or master plan. Attach additional sheets if necessary.
Please see attached for purposes of rezoning request.

I understand that I must appear in person at any public hearing scheduled by in this matter. If I cannot appear in person, I will designate a representative or agent in writing below to act on my behalf. I hereby designate Robert S. Carey to represent me as a representative/agent in the pursuance of this rezoning request.

Please see Owner Authorization (Exhibit 2) of Purpose of Rezoning Request _____

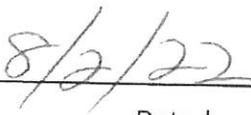
Owner's Signature

Owner's Signature

Applicant's Signature



Applicant's Signature



Dated

Total fee due (to be calculated by the Planning Department): \$ _____

NOTE: PLEASE REFER TO THE INSTRUCTION SHEET PROVIDED AS A REZONING REQUEST REQUIRES PUBLIC HEARINGS WITH BOTH THE PLANNING BOARD & TOWN COUNCIL. ADDITIONAL FEES ARE DUE TO THE TOWN COUNCIL FOR ITS PUBLIC HEARING. YOU WILL BE CONTACTED BY THE TOWN MANAGER'S OFFICE FOR FURTHER INSTRUCTION.

Owner's address:

Louis T. Barker, NHDOT Railroad Planner
Department of Transportation
7 Hazen Drive
P.O. Box 483
Concord, NH 03302-0483
(603) 271-2425
Louis.A.Barker@dot.nh.gov

Matthew T. Broadhead, Senior Assistant Attorney General
Department of Justice
33 Capitol Street
Concord, NH 03301
(603) 271-3658
Matthew.T.Broadhead@doj.nh.gov

Purpose of Rezoning Request

The property to be rezoned is a non-developable section of DOT's railroad corridor. It begins, roughly, at the northern side of Rockingham Road-Route 28 and ends near Auburn Road, where the track crosses Rockingham Road-Route 28 again. See Ex. 1 (GIS aerial map of RR corridor). The corridor is approximately 80 to 100 feet wide. It is being used for the rail trail.

DOT supports this re-zoning request. See Ex. 2 (DOT letter). So does the Londonderry Rail Trail.

DOT is exempt for local zoning. See RSA 674:54. The property is zoned AR-1. We are requesting that it be re-zoned to C-II (Commercial).

There are three zoning districts that abut the railroad corridor. The property to the north is zoned IND-II. Much of it is owned by PSNH. The property to the south is zoned C-II and AR-1.

This application is filed by one of the C-II abutters, Gizmo Enterprises, which has owned the property since 2004. See Ex. 3 (GIS aerial map of property). The property is used to store landscaping equipment and materials. The materials are stored in rows of large cement blocks, which partly encroach onto the DOT property. See Ex. 4 (draft existing conditions plan). DOT is willing to lease that section of its property to Gizmo Enterprises.

There are three reasons that support this request.

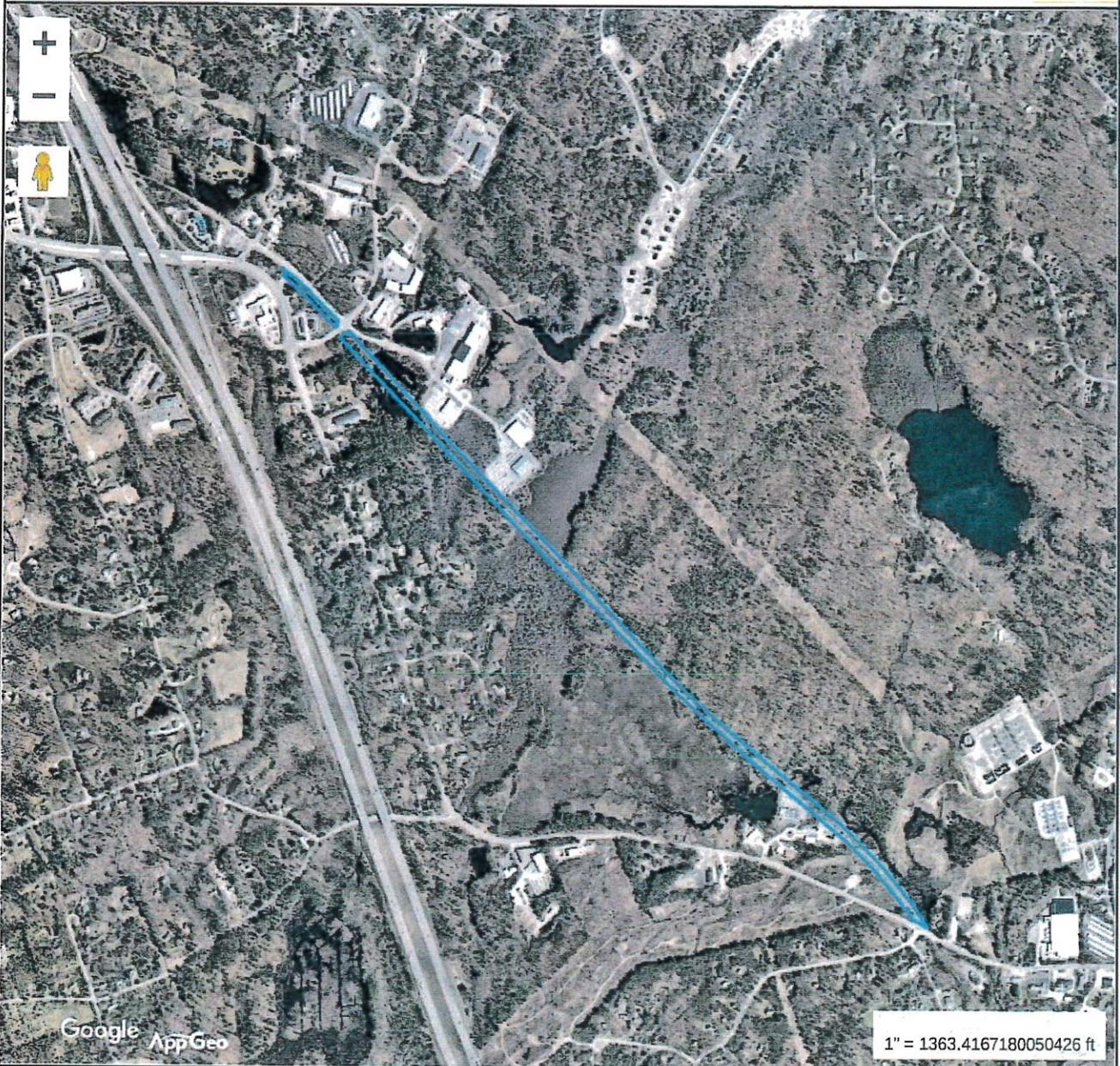
First, the change in zoning will not impact the present use of the property. DOT is exempt from local zoning ordinances. The Londonderry Rail Trail's use of the corridor will continue, uninterrupted.

Second, the change in zoning would not adversely affect the health, safety and general welfare of the community. As noted above, the property to be re-zoned is non-developable. In addition, the abutting properties would continue their existing uses. The change would reduce the buffer for the abutting properties that are zoned commercial and industrial. But from the current state of these properties, it is reasonable to conclude that the buffer has been irrelevant to any development plans and their use would likely be unaffected by the change in zoning. See Ex. 1 (GIS aerial map of RR corridor).

Third, the change comports with the goals of the Master Plan. The proposed re-zoning is a minor, inconsequential change that will accommodate a long-standing local business—Gizmo Enterprises is owned by Todd Bahan, who also owns Groundhog

Landscaping and uses the Gizmo property for the business. The re-zoning is a practical solution to enable Gizmo to continue to use its property as it has for many years.

EXHIBIT 1



Property Information

Property ID 013-143-0
Location 0 RR ROCKINGHAM RD
Owner NEW HAMPSHIRE, STATE OF



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town of Londonderry, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 04/01/2022
Data updated 04/01/2022

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

EXHIBIT 2



Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

March 11, 2022

Todd Bahan
Gizmo Enterprises, LLC
P.O. Box 1316
Londonderry, NH 03053-1316

Re: 4 Commercial Lane, Londonderry, NH
Potential lease of state-owned railroad property

Dear Mr. Bahan,

The Bureau has received a request submitted on your behalf to lease approximately 15,000 square feet (final square footage to be determined) of railroad property for commercial use (Groundhog Landscaping and Property Maintenance, Inc. of 4 Commercial Lane) to address a historic encroachment. As you know, the subject property is located in the Town of Londonderry, owned by the State, and under the jurisdiction of the Bureau of Rail & Transit. This railroad corridor has been out of service since the 1970's and has been developed into a rail trail by the Town of Londonderry who has a Rail Trail Agreement with the Bureau.

The Department continues to review and consider your lease request and is following its normal surplus property process and is not in the position, yet, to enter into a lease for this property. However, please be advised if the Department does enter into a lease with you for this property it will likely include standard lease language that requires, "The Tenant to comply with all laws, ordinances, rules, and orders of appropriate governmental authorities affecting the cleanliness, occupancy, and preservation of the demised premises during the term of the lease..." Without waiving the application of RSA 674:54 or any other similar law that provides that the State property utilized for government purposes is not subject to local restrictions or obligations, the Department grants you permission to submit applications for the development and/or alteration of the property to the Londonderry Town Council and to any land use board of the Town of Londonderry. However, regardless of how the parcel is zoned today or in the future, you will be expected to comply with the same as a condition of the lease.

If you should have additional questions, please feel free to reach out to Lou Barker, NHDOT Railroad Planner, via phone (603-271-2425) or email (Louis.A.Barker@dot.nh.gov).

Sincerely,

Shelley Winters
Administrator, Bureau of Rail & Transit

EXHIBIT 3



Property Information
Property ID 013-104-2
Location 4 COMMERCIAL LN
Owner GIZMO ENTERPRISES, LLC


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**
Town of Londonderry, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.
Geometry updated 04/01/2022
Data updated 04/01/2022

Print map scale is approximate.
Critical layout or measurement activities should not be done using this resource.

EXHIBIT 4

LEGAL NOTICE

The Londonderry Town Council will hold a PUBLIC HEARING on the following items:

Acceptance of Unanticipated Revenue (RSA 31:95-b, III(a)) for the purpose of concluding the Lithia Springs Conservation Transaction:

Land and Community Heritage Investment Program Grant Award
Aquatic Resource Mitigation Fund Program Grant Award

The public hearing will occur on Monday, January 9, 2023 at 7:00 PM at the Londonderry Town Hall, 268B Mammoth Road, Londonderry, NH 03053.

Londonderry Town Council

First Reading: 12/19/2022
Second Reading/Public Hearing: 1/9/2023 _____
Adopted: _____

RESOLUTION #2022-23
***AMENDING AND EXTENDING THE LONDONDERRY COMMERCIAL
AND INDUSTRIAL PROPERTY TAX INCENTIVE PROGRAM***

WHEREAS RSA 72:81 permits a municipality to adopt a new construction property tax exemption (the “Incentive”) for commercial or industrial uses, or both for the purpose of providing incentives to businesses to build, rebuild, modernize, or enlarge within the municipality; and

WHEREAS The Town Council believes it is in the public benefit to enhance the Town of Londonderry's commercial/ industrial property tax base with respect to economic activity, cultural and historic character, and sense of community that contribute to economic and social vitality; and

WHEREAS It is further declared to be a public benefit to encourage the rehabilitation of underutilized commercial/industrial structures in Londonderry as a means of encouraging growth of economic, residential, and municipal uses in accordance with RSA 9-B; and

WHEREAS Short-term property assessment tax relief and a related covenant to protect the public benefit as provided under this article are considered to provide a demonstrated public benefit if the same encourages new construction, substantial rehabilitation and use of qualifying structures, or the replacement of a qualifying structure; and

WHEREAS The Town Council determines that it is in the public benefit to make the Program available town-wide; and

WHEREAS The Town Council wishes to amend and extend the Incentive previously adopted by Ordinance # 2022-05 on June 20, 2022; and

WHEREAS Pursuant to RSA 72:82, II, this Ordinance shall remain in effect until the earlier of: (A) its rescission by further action of the Town Council; or (B) the date which is twenty four (24) months after the adoption of this Ordinance, provided, however, that for any application which has already been granted prior to rescission or expiration, as the case may be, the exemption shall continue to apply at the rate and for the duration in effect at the time it was granted.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Londonderry Commercial and Industrial Property Tax Incentive Program is hereby amended and extended as set forth in Exhibit A attached hereto.

Sharon Farrell, Town Clerk

John Farrell, Chairman
Town Council

A TRUE COPY ATTEST:

(TOWN SEAL)

EXHIBIT "A"

**LONDONDERRY COMMERCIAL AND INDUSTRIAL
PROPERTY TAX INCENTIVE PROGRAM**

§ 1. Adoption of program.

1.1 Pursuant to the authority granted by RSA 72:27-a, RSA 72:81, and RSA 72:82, and such other relevant authority bestowed upon it as a political subdivision of the State of New Hampshire, the Town of Londonderry ("Londonderry" or the "Town") through its legislative body, the Londonderry Town Council ("Town Council"), adopts the Londonderry Commercial and Industrial Property Tax Exemption Program for application within the geographical limits set forth below.

§ 2. Short title.

2.1 Londonderry Commercial and Industrial Property Tax Incentive Program (the "Program").

§ 3. Enabling statutes.

3.1 NH RSAs 72:27-a and 72:80-83.

§ 4. Purpose; declaration of public benefit.

4.1 It is declared to be beneficial to the public interest to enhance Londonderry's commercial and industrial property tax base to attract, promote and stimulate economic activity.

4.2 It is further declared to be beneficial to the public interest to encourage the rehabilitation of underperforming or underutilized commercial and industrial facilities in Londonderry as a means of encouraging smart growth of economic, residential, and municipal uses in accordance with RSA 9-B.

4.3 Short-term property tax relief and a related covenant to further public interest as described in this ordinance provide a demonstrated public benefit because the property tax relief and related covenant encourage new construction and use of Qualifying Structures, and replacement, substantial rehabilitation and use of Qualifying Structures. A Qualifying Structure is defined in Section 6.4 hereof.

4.4 The Town Council determines that it is in the public interest to make the Program available town wide for commercial and industrial uses as defined herein.

§ 5. Tax relief authority.

5.1 Londonderry, through the Town Council, hereby adopts RSA 72:80-83 in the manner specified under RSA 72:27-a and RSA 72:82. In addition, the Town may modify the incentive program in the same manner as hereby adopted to best suit the needs of the Town and its constituents.

§ 6. Definitions.

6.1 Assessed Value: The Assessed Value of the improvements and structures as of April 1 of the tax year to which the exemption pertains, pursuant to RSA 72:83.

6.2 Commercial Uses: All retail, wholesale, and service uses, including but not limited to: automobile and similar vehicle sales; automobile repair facility/garage; automobile service station; bank; brewery; brew pub; commercial performing and fine arts schools and studios; commercial service establishment; conference center; contractor; contractor's yard; funeral establishment; golf course/country club; grocery/convenience store; hospital; hotel; commercial service establishment; inn (motel); medical office; movie and recording studio; multiunit commercial establishment; nursery; office, pharmacy, printing; professional office; radio broadcasting facility; repairman; restaurant, drive-in restaurant; retail sales establishment; riding school; television broadcasting; transportation center; travel agent; tourist home, and wholesale business.

6.3 Industrial Uses: All manufacturing, production, assembling, warehousing, or processing of goods or materials for sale or distribution, research and development activities, or processing of waste materials, including but not limited to: bottling facility; building material storage yard; crematorium; equipment upfit (repair); industrial establishment; light industrial establishment; industrial repair garage; industrial supply; laboratory (medical/dental); laboratory: research, experimental, testing; light industry; light manufacturing; microbrewery; product assembly; publishing; research and development facility; research lab; sand/gravel pit; self-storage; truck terminal; warehouse, and wood/metal craft.

6.4 Original Assessed Value: The value of the Qualifying Structure assessed at the time that the governing body approves the application for Tax Relief and the owner grants to the municipality the covenant to protect public benefit as required in this ordinance.

6.5 Qualifying Area: The Qualifying Area is the Town of Londonderry.

6.6 Qualifying Structure: A structure located in the Qualifying Area built, rebuilt, modernized, or enlarged to be used for Commercial or Industrial Uses as defined in RSA 72:80 and described herein.

6.7 Replacement: The demolition or removal of a Qualifying Structure and the subsequent construction of a new structure on the same lot.

§ 7. Tax Relief.

7.1 The Tax Relief Period is the finite period of time during which the Tax Relief, as described in section 7.4 below, will be effective, and the percentage amount of new Assessed Value to be exempted, as determined by the Town Council based upon classification of the project by tier, pursuant to RSA 72:81, and in the further exercise of its discretion as set forth in sections 7.4 and 12, below.

7.2 A Tier One Project is a project in which the anticipated increase in valuation of the Qualifying Structure at the completion of construction is ~~ten to fifteen~~ million dollars (~~\$30,000,000~~ \$10,000,000) or more.

7.3 A Tier Two Project is a project in which the anticipated increase in valuation of the Qualifying Structure at the completion of construction is between five ~~two~~ fifteen-million dollars (\$25+5,000,000,000) and ~~five~~ ten million dollars (\$510,000,000), or more.

7.4 A Tier Three Project is a project in which the anticipated increase in valuation of the Qualifying Structure at the completion of construction both exceeds ten million dollars (\$10,000,000) and is a project of exceptional and unusual public benefit to the community as defined herein.

Tier One and Two Projects shall be eligible for Tax Relief in the form of the exemption from taxation authorized pursuant to RSA 72:81, and more specifically defined as follows:

(1) For a Tier One Project:

- a. In the first full tax year for which an exemption is granted following completion of a Qualifying Structure (the "first tax year"), an exemption of between forty (40) and fifty (50) percent of the increase in Assessed Value attributable to construction of new structures, and additions, renovations, or improvements to existing structures (the "Exemption"), as determined by the Town Council.
- b. The duration of the Exemption shall be five (5) years.
- c. In the four (4) tax years immediately succeeding the first tax year for which an exemption is granted, the Exemption shall decrease annually by twenty (20), thirty (30), forty (40), and fifty (50) percent of the prior year's Exemption, rounded to the nearest whole percent, as set forth in Attachment A.

(2) For a Tier Two Project:

- a. In the first full tax year for which an exemption is granted following completion of a Qualifying Structure (the "first tax year"), an exemption of between thirty (30) and forty (40) percent of the increase in Assessed Value attributable to construction of new structures, and additions, renovations, or improvements to existing structures (the "Exemption"), as determined by the Town Council.
- b. The duration of the Exemption shall be five (5) years.
- c. In the four (4) tax years immediately succeeding the first tax year for which an exemption is granted, the Exemption shall decrease annually by twenty (20), thirty (30), forty (40), and fifty (50) percent of the prior year's Exemption, rounded to the nearest whole percent, as set forth in Attachment A.

(3) For a Tier Three Project:

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e.a. Upon a finding that a project is a Tier Three Project, the Town Council may grant additional years of Tax Relief, but no more than ten years. The Town Council shall structure the exemption to decrease year-by-year in a similar fashion to Tier One and Two Projects.

§ 8. Public benefits.

8.1 In order to qualify for Tax Relief as set forth in section 7.4 above, the proposed new construction or rehabilitation must, in the reasonable discretion of the Town Council, provide one or more of the following public benefits, and the proposed Replacement must provide one or more of the same public benefits to a greater degree than would a rehabilitation of the same Qualifying Structure, as follows:

- It enhances the economic vitality of the Town;
- It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; or
- It increases commercial and industrial activity in the Town, including job creation.
- It increases the Town's commercial or industrial tax base.

§ 9. Covenant to protect public benefit.

9.1 Tax Relief for the construction, rehabilitation or replacement of a Qualifying Structure shall be effective upon the property owner's grant to the municipality of a covenant ensuring that the Qualifying Structure shall be maintained and used in a manner that continues the public benefit for which the Tax Relief was granted and as otherwise provided in this ordinance.

9.2 This covenant shall be released upon the expiration of the Tax Relief Period.

9.2 The covenant shall include provisions requiring the property owner to obtain commercially reasonable casualty insurance, and flood insurance, if relevant. The covenant may include, at the Town Council's sole discretion, a lien against proceeds from casualty and flood insurance claims for the purpose of ensuring proper restoration or demolition of damaged structures and property. If the property owner has not begun the process of restoration, rebuilding, or demolition of such structure within one year following damage or destruction, the property owner shall be subject to the termination of the Tax Relief after notice and an opportunity to be heard.

9.3 The Town shall provide for the recording of the covenant to protect public benefit with the registry of deeds. It shall be a burden upon the property and shall bind all transferees and assignees of such property for the duration of the tax relief period, but shall thereafter expire without further affect.

§ 10. Application procedure.

10.1 An owner (or authorized agent, including a prospective purchaser and developer) of a Qualifying Structure who intends to construct, rehabilitate or replace such structure, may submit an application for the Tax Relief to the Town Manager's Office prior to construction, but not after December 31 before the beginning of the tax year for which the exemption is sought. In

such cases, the Town Council may anticipatorily grant the exemption, subject to adjustment when the actual increase in Assessed Value becomes known. The applicant shall include the address of the property, a full description of the intended construction, rehabilitation or replacement, any changes in use of the property resulting from the rehabilitation or replacement, and an application fee. The application shall be on a preapproved application form provided by the Town Manager's Office.

10.2 The application for property tax exemption shall not be deemed to be complete and the governing body shall not schedule a hearing on the application as required under RSA 72:83 until all required information has been submitted.

§ 11. Application fees.

11.1 An application fee of \$150, or an amount subsequently adopted by the Town Council, shall be paid at the time of application submission to the Town Manager's Office, made payable to the "Town of Londonderry."

11.2 The applicant shall also be responsible for the reasonable expenses incurred by the municipality in the drafting, review, and recording of the covenant.

§ 12. Review and decision by Town officials.

12.1 Upon receipt of a complete application, the Town Council shall consider the application in the normal course of business and notify the applicant of its decision no later than February 28 before the beginning of the tax year for which the exemption is sought. The Town Council shall determine:

- Whether the structure will be in the Qualifying Area;
- Whether the structure at issue is a Qualifying Structure;
- Whether there is a public benefit to granting the Tax Relief;
- The classification of the project by tier; and
- Within the parameters specified in section 7, above, the specific Tax Relief, if any, to be awarded for the Qualified Structure. The Town Council shall base this determination upon the extent of public benefit demonstrated by the applicant, assigning a higher percentage amount to applicants demonstrating a greater public benefit, and vice versa.

12.2 In determining the existence and extent of a public benefit, the Town Council shall also identify the costs and detriments associated with the proposed development or project, and weigh such factors against any public benefit. Only if the public benefit is found to specifically outweigh any costs and detriments shall the Town Council grant the Exemption.

12.3 After determining the applicable tier, in setting the applicable percentage, and in granting additional years of Tax Relief for a Tier Three project, the Town Council shall also factor the extent of the public benefit and the costs and detriments associated with the proposed development or project.

12.4 The Town Council may seek assistance from Town officials, legal counsel, boards or commissions in making its determinations, and shall conduct a public hearing.

12.5 After following the procedures established herein, the Town Council may grant the Tax Relief, provided:

- The Town Council finds a public benefit as defined herein; and
- The specific public benefit is preserved through a covenant as set forth above; and
- The Town Council finds that the proposed use is consistent with the applicable master plan, zoning ordinance or development regulations.

12.6 If the Town Council grants the Tax Relief, it shall identify the specific public benefit achieved as defined herein.

12.7 The burden of demonstrating the applicable tier and the public benefit shall be on the applicant. The Town Council or its agents may request such additional or updated information as is necessary to determine eligibility. Should the Town in its discretion determine that third party review or consultation is required, the applicant shall bear the associated cost. *See* RSA 72:83, III. If the Town Council determines that the applicant provided incorrect or false information during the application process or failed to provide information after such a request, the Town Council may refuse to grant the exemption without further inquiry.

12.8 If the Town Council, in its sole discretion, denies the application for Tax Relief, such denial shall be accompanied by a written explanation. The governing body's decision may be appealed either to the Board of Tax and Land Appeals or the Superior Court in the same manner as provided for appeals of current use classification pursuant to RSA 72:83; provided, however, that such denial shall be deemed discretionary and shall not be set aside by the Board of Tax and Land Appeals or the Superior Court except for errors of law or abuse of discretion.

12.9 For the purpose of determining the applicable tier for a Project, the Town Council may assign a reasonable value to factors not yet known or reflected directly in the anticipated valuation of the property after construction, including, but not limited to, significant job creation, and add such assigned value to the anticipated valuation after construction.

§ 13. Duration and limitations of property tax incentive program.

13.1 Pursuant to RSA 72:81, the exemption shall apply only to municipal and local school property taxes assessed by the municipality which shall exclude state education property taxes under RSA 76:3 and county taxes assessed against the municipality under RSA 29:11

13.2 If the municipality completes a revaluation during the period for which an exemption has been granted, the amount of the exemption shall be adjusted by the difference in equalization ratios applicable in the municipality before and after the revaluation. The amount and length of the property tax exemption shall be determined by the Town Council on a per-case basis, by categorizing the project by tier as set forth herein.

13.3 Tax Relief shall not be granted to an applicant who has begun construction. RSA 72:83, I.

13.4 The Town Council may grant waivers from this ordinance where not inconsistent with the purpose and intent of RSA 72:80-83, provided, however, that the Town Council may not waive a provision of this ordinance required by statute.

13.5 The Town may require the submission of an annual update to determine continued eligibility for, and the proper amount of, Tax Relief. The Town Council may conduct an annual hearing to review the update and may adjust the Tax Relief based upon changed conditions. If the Town Council determines that the applicant provided incorrect or false information in an annual update or failed to provide information necessary for an annual update after such a request, the Town Council may terminate the exemption upon notice and an opportunity for the applicant to be heard.

13.6 This ordinance shall expire twenty four (24) months after its passage, unless sooner terminated or extended by vote of the Town Council.

§ 14. Resumption of full tax liability.

14.1 Upon expiration of the Tax Relief Period, the property shall be taxed at its market value in accordance with RSA 75:1.

§ 15. Extent of Tax Relief.

15.1 Tax Relief granted under this ordinance shall be calculated on the Assessed Value at the time of the commencement of the Tax Relief Period in excess of the Original Assessed Value.

15.2 Tax Relief granted under this ordinance shall pertain only to assessment increases attributable to the construction, rehabilitation or replacement performed under the conditions approved by the Town Council and not to those increases attributable to other factors, including but not limited to market forces.

15.3 Nothing herein shall prohibit an owner from seeking an abatement of the original assessed value prior to any adjustment granted hereunder.

§ 16. Violations and penalties; enforcement.

16.1 If the property owner fails to maintain or utilize the building according to the terms of the covenant, or fails to restore, rebuild, or demolish the structure following damage or destruction as provided above, the Town Council shall, after notice and an opportunity to be heard, determine whether and to what extent the public benefit of the Qualified Structure has been diminished and may terminate or reduce the property tax exemption amount and period in accordance with such determination.

16.2 Any tax payment required under this section 16 shall be payable according to the following procedure:

16.2.1 The Commissioner of the Department of Revenue Administration shall prescribe and issue forms to the local assessing officials for the payment due,

which shall provide a description of the property, the market value assessment according to RSA 75:1, and the amount payable.

16.2.2 The prescribed form shall be prepared in quadruplicate. The original, duplicate, and triplicate copy of the form shall be given to the collector of taxes for collection of the payment along with a special tax warrant authorizing the collector to collect the payment under the warrant. The quadruplicate copy of the form shall be retained by the local assessing officials for their records.

16.2.3 Upon receipt of the special tax warrant and prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice of payment.

16.2.4 Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18% per annum shall be due thereafter on any amount not paid within the thirty-day period. Interest at 12% per annum shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no Tax Relief had been granted.

§ 17. Collection of unpaid taxes.

17.1 All taxes levied pursuant to RSA 72 which are not paid when due shall be collected in the same manner as provided in RSA 80.

LEGAL NOTICE

The Londonderry Town Council will hold a PUBLIC HEARING on the following items:

Acceptance of Unanticipated Revenue (RSA 31:95-b, III(a)) for the purpose of concluding the Lithia Springs Conservation Transaction:

Land and Community Heritage Investment Program Grant Award
Aquatic Resource Mitigation Fund Program Grant Award

The public hearing will occur on Monday, January 9, 2023 at 7:00 PM at the Londonderry Town Hall, 268B Mammoth Road, Londonderry, NH 03053.

Londonderry Town Council

RESOLUTION 2023-02

A Resolution Relative to the
Acceptance of Unanticipated Revenue Under RSA 31:95-b

First Reading: 01/05/2023

Second Reading: Waived

Adopted: 01/05/2023

WHEREAS the Town of Londonderry adopted the provisions of RSA 31:95-b with the passage of Warrant Article 18 at their March, 1994 town meeting; and,

WHEREAS the Town Council desires to and has complied with RSA 31:95-b, III (a) relative to unanticipated monies received in amounts more than \$10,000; and,

WHEREAS the Town has been awarded approximately \$300,000 in Land and Community Heritage Program grant funding in order to conserve the Lithia Springs property (the "Grant").

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Grant funds mentioned above are hereby accepted, and that the Town Manager is authorized to do all things necessary in order to accept the Grant and conclude the transaction.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST::01/05/2023

MUNICIPAL CERTIFICATE OF AUTHORITY

I, John Farrell (insert name), Town Council Chairman (title) hereby certify that I am duly elected of Londonderry (Municipality), a municipality of the State of New Hampshire.

I certify that the following is a true record of a vote taken at a meeting of the Town Council (Select Board / Town or City Council), duly called and held on January 9, 2023, at which a quorum of the Town Council (Board / Council / Municipal Officers) was present and voting.

Voted: That the individual(s) listed below is/are duly authorized to enter into contracts or agreements or otherwise bind the Municipality for contractual obligations, and further is/are authorized to execute any documents which may in his/her judgement to be desirable or necessary to affect the purposes of the Lithia Springs LCHIP Grant (name of commission and/or project).

Table with 3 columns: Office / Position, Person Holding Office / Position, Limits on Authority, if any. Row 1: Town Manager, Michael Malaguti.

I further certify that it is understood that the State of New Hampshire, through the New Hampshire Land and Community Heritage Investment Program Authority, will rely on this certificate as evidence that the person(s) listed above currently occupy the position(s) or office(s) indicated and that they have full authority to bind the Municipality.

I further certify that the authority described herein has not been amended or repealed; remains in full force and effect as the date of the contract to which this certificate is attached, and will remain valid for thirty (30) days from the date of this certificate.

Signature: _____ Date: _____

RESOLUTION 2023-03

A Resolution Relative to the Acceptance of Unanticipated Revenue Under RSA 31:95-b

First Reading: 01/05/2023

Second Reading: Waived

Adopted: 01/05/2023

WHEREAS the Town of Londonderry adopted the provisions of RSA 31:95-b with the passage of Warrant Article 18 at their March, 1994 town meeting; and,

WHEREAS the Town Council desires to and has complied with RSA 31:95-b, III (a) relative to unanticipated monies received in amounts more than \$10,000; and,

WHEREAS the Town has been awarded approximately \$500,000 in Aquatic Resource Mitigation Fund Program grant funding in order to conserve the Lithia Springs property (the "Grant").

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Grant funds mentioned above are hereby accepted, and that the Town Manager is authorized to do all things necessary in order to accept the Grant and conclude the transaction.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST::01/05/2023

MUNICIPAL CERTIFICATE OF AUTHORITY

I, John Farrell (insert name), Town Council Chairman (title) of Londonderry (Municipality), a municipality of the State of New Hampshire. hereby certify that I am duly elected

I certify that the following is a true record of a vote taken at a meeting of the Town Council (Select Board / Town or City Council), duly called and held on January 9, 2023, at which a quorum of the Town Council (Board / Council / Municipal Officers) was present and voting.

Voted: That the individual(s) listed below is/are duly authorized to enter into contracts or agreements or otherwise bind the Municipality for contractual obligations, and further is/are authorized to execute any documents which may in his/her judgement to be desirable or necessary to affect the purposes of the Lithia Springs Aquatic Resources Mitigation Grant (name of commission and/or project).

Table with 3 columns: Office / Position, Person Holding Office / Position, Limits on Authority, if any. Row 1: Town Manager, Michael Malaguti.

I further certify that it is understood that the State of New Hampshire, through the New Hampshire Land and Community Heritage Investment Program Authority, will rely on this certificate as evidence that the person(s) listed above currently occupy the position(s) or office(s) indicated and that they have full authority to bind the Municipality.

I further certify that the authority described herein has not been amended or repealed; remains in full force and effect as the date of the contract to which this certificate is attached, and will remain valid for thirty (30) days from the date of this certificate.

Signature: _____

Date: _____



4 PowerLOADs and Upgrade Kits - DECEMBER 2022

Quote Number: 10625313

Remit to: Stryker Medical

Version: 1

P.O. Box 93308

Prepared For: LONDONDERRY FIRE DEPT

Chicago, IL 60673-3308

Attn:

Rep: Shane Donnelly

Email: shane.donnelly1@stryker.com

Phone Number: (774) 502-9462

Quote Date: 12/19/2022

Expiration Date: 12/29/2022

Delivery Address		End User - Shipping - Billing		Bill To Account	
Name:	LONDONDERRY FIRE DEPT	Name:	LONDONDERRY FIRE DEPT	Name:	LONDONDERRY FIRE DEPT
Account #:	1071864	Account #:	1071864	Account #:	1071864
Address:	280 MAMMOTH RD CENTRAL FIRE STATION	Address:	280 MAMMOTH RD CENTRAL FIRE STATION	Address:	280 MAMMOTH RD CENTRAL FIRE STATION
	LONDONDERRY		LONDONDERRY		LONDONDERRY
	New Hampshire 03053-3003		New Hampshire 03053-3003		New Hampshire 03053-3003

Equipment Products:

#	Product	Description	Qty	Sell Price	Total
1.0	639005550001	MTS POWER LOAD *INCLUDES FLOOR PLATE*	4	\$23,598.15	\$94,392.60
2.0	6506700001	6506 PWRLD COMPAT UPGRADE KIT	3	\$1,723.50	\$5,170.50
3.0	77100003	ProCare Cot Upgrade or Install	3	\$332.00	\$996.00
				Equipment Total:	\$100,559.10

Trade In Credit:

Product	Description	Qty	Credit Ea.	Total Credit
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ProCare Products:

#	Product	Description	Qty	Sell Price	Total
4.1	76011PT	ProCare Power-LOAD Prevent Service: Annual onsite preventive maintenance inspection and unlimited repairs including parts, labor and travel with battery coverage for MTS POWER LOAD *INCLUDES FLOOR PLATE*	4	\$9,090.00	\$36,360.00
				ProCare Total:	\$36,360.00



4 PowerLOADs and Upgrade Kits - DECEMBER 2022

Quote Number: 10625313

Version: 1

Prepared For: LONDONDERRY FIRE DEPT

Attn:

Remit to: Stryker Medical

P.O. Box 93308

Chicago, IL 60673-3308

Rep: Shane Donnelly

Email: shane.donnelly1@stryker.com

Phone Number: (774) 502-9462

Quote Date: 12/19/2022

Expiration Date: 12/29/2022

Price Totals:

Estimated Sales Tax (0.000%):	\$0.00
Freight/Shipping:	\$1,179.92
Grand Total:	\$138,099.02

Prices: In effect for 30 days

Terms: Net 30 Days

Contact your local Sales Representative for more information about our flexible payment options.

PENDING APPROVAL

Capital Terms and Conditions:

Deal Consummation: This is a quote and not a commitment. This quote is subject to final credit, pricing, and documentation approval. Legal documentation must be signed before your equipment can be delivered. Documentation will be provided upon completion of our review process and your selection of a payment schedule. Confidentiality Notice: Recipient will not disclose to any third party the terms of this quote or any other information, including any pricing or discounts, offered to be provided by Stryker to Recipient in connection with this quote, without Stryker's prior written approval, except as may be requested by law or by lawful order of any applicable government agency. A copy of Stryker Medical's Acute Care capital terms and conditions can be found at https://techweb.stryker.com/Terms_Conditions/index.html. A copy of Stryker Medical's Emergency Care capital terms and conditions can be found at <https://www.strykeremergencycare.com/terms>.



4 PowerLOADs and Upgrade Kits - 2023

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Chicago, IL 60673-3308

Prepared For: LONDONDERRY FIRE DEPT

Rep: Shane Donnelly

Attn:

Email: shane.donnelly1@stryker.com

Phone Number: (774) 502-9462

Quote Date: 12/19/2022

Expiration Date: 03/19/2023

Delivery Address

End User - Shipping - Billing

Bill To Account

Name: LONDONDERRY FIRE DEPT

Name: LONDONDERRY FIRE DEPT

Name: LONDONDERRY FIRE DEPT

Account #: 1071864

Account #: 1071864

Account #: 1071864

Address: 280 MAMMOTH RD CENTRAL
FIRE STATION

Address: 280 MAMMOTH RD CENTRAL
FIRE STATION

Address: 280 MAMMOTH RD CENTRAL
FIRE STATION

LONDONDERRY

LONDONDERRY

LONDONDERRY

New Hampshire 03053-3003

New Hampshire 03053-3003

New Hampshire 03053-3003

Equipment Products:

#	Product	Description	Qty	Sell Price	Total
1.0	639005550001	MTS POWER LOAD *INCLUDES FLOOR PLATE*	4	\$28,943.20	\$115,772.80
2.0	6506700001	6506 PWRLD COMPAT UPGRADE KIT	3	\$2,114.16	\$6,342.48
3.0	77100003	ProCare Cot Upgrade or Install	3	\$332.00	\$996.00
Equipment Total:					\$123,111.28

Trade In Credit:

Product	Description	Qty	Credit Ea.	Total Credit
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ProCare Products:

#	Product	Description	Qty	Sell Price	Total
4.1	76011PT	ProCare Power-LOAD Prevent Service: Annual onsite preventive maintenance inspection and unlimited repairs including parts, labor and travel with battery coverage for MTS POWER LOAD *INCLUDES FLOOR PLATE*	4	\$10,908.00	\$43,632.00
ProCare Total:					\$43,632.00



4 PowerLOADs and Upgrade Kits - 2023

Quote Number: 10625313

Remit to: **Stryker Medical**

Version: 1

P.O. Box 93308

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Chicago, IL 60673-3308

Attn:

Rep: Shane Donnelly

Email: shane.donnelly1@stryker.com

Phone Number: (774) 502-9462

Quote Date: 12/19/2022

Expiration Date: 03/19/2023

Price Totals:

Estimated Sales Tax (0.000%):	\$0.00
Freight/Shipping:	\$1,447.16
Grand Total:	\$166,743.28

Prices: In effect for 30 days

Terms: Net 30 Days

Contact your local Sales Representative for more information about our flexible payment options.

Capital Terms and Conditions:

Deal Consummation: This is a quote and not a commitment. This quote is subject to final credit, pricing, and documentation approval. Legal documentation must be signed before your equipment can be delivered. Documentation will be provided upon completion of our review process and your selection of a payment schedule. Confidentiality Notice: Recipient will not disclose to any third party the terms of this quote or any other information, including any pricing or discounts, offered to be provided by Stryker to Recipient in connection with this quote, without Stryker's prior written approval, except as may be requested by law or by lawful order of any applicable government agency. A copy of Stryker Medical's Acute Care capital terms and conditions can be found at https://techweb.stryker.com/Terms_Conditions/index.html. A copy of Stryker Medical's Emergency Care capital terms and conditions can be found at <https://www.strykeremergencycare.com/terms>.

Kirby Brown

From: Arthur Rugg
Sent: Thursday, December 15, 2022 6:21 PM
To: Kirby Brown
Subject: Southern New Hampshire Planning Commission Alternate Positions

Hi Kirby,

The Southern New Hampshire Planning Commission alternate positions have terms that expire at the end of this year. You will need to advertise for them. Those positions are currently held by Lynn Wiles and Jeff Penta. Appointment requests for this goes to the Planning Board, who makes a recommendation for appointment to the Town Council. The Town Council then makes the appointment. If you have any questions, please let me know.

Thanks,
Art

This email was scanned by Bitdefender

Kirby Brown

From: Lynn Wiles
Sent: Friday, December 16, 2022 10:57 AM
To: Arthur Rugg; Kellie Caron
Cc: Kirby Brown
Subject: Fw: Southern New Hampshire Planning Commission Alternate Terms

Hi Art, Kellie-

I'd like to be considered for re-appointment as an alternate to the southern New Hampshire Planning Commission. Thanks.

Lynn Wiles

From: Arthur Rugg
Sent: Thursday, December 15, 2022 6:11 PM
To: Lynn Wiles; Jeff Penta
Cc: Kirby Brown
Subject: Re: Southern New Hampshire Planning Commission Alternate Terms

Hi Lynn and Jeff,

Actually those requests for reappointment go to the Planning Board, who makes a recommendation to the Town Council. You can send them to myself and Kellie.

Thanks,
Art

From: Arthur Rugg
Sent: Thursday, December 15, 2022 5:58 PM
To: Lynn Wiles; Jeff Penta
Cc: Kirby Brown
Subject: Southern New Hampshire Planning Commission Alternate Terms

Hi Lynn and Jeff,

I just recalled that your terms as alternate members of the Southern New Hampshire Planning Commission expire at the end of this year. The terms are for one year only as an alternate. You will need to send an email to Kirby (kbrown@londonderrynh.org) requesting reappoint. I apologize as this has slipped my mind.

Thanks,
Art

Kirby Brown

From: Jeff Penta
Sent: Thursday, December 15, 2022 7:38 PM
To: Arthur Rugg
Cc: Kirby Brown; Kellie Caron
Subject: Re: Southern New Hampshire Planning Commission Alternate Terms

Hi Art -

Thanks for remembering! I would like to be reappointed.

Jeff

Sent from my iPad

On Dec 15, 2022, at 6:11 PM, Arthur Rugg <arugg@londonderrynh.org> wrote:

Hi Lynn and Jeff,

Actually those requests for reappointment go to the Planning Board, who makes a recommendation to the Town Council. You can send them to myself and Kellie.

Thanks,

Art

From: Arthur Rugg
Sent: Thursday, December 15, 2022 5:58 PM
To: Lynn Wiles; Jeff Penta
Cc: Kirby Brown
Subject: Southern New Hampshire Planning Commission Alternate Terms

Hi Lynn and Jeff,

Kirby Brown

From: GARY STEWART <gstewart3324@comcast.net>
Sent: Tuesday, December 20, 2022 10:44 AM
To: Kirby Brown
Subject: Fwd: SWEC Committee

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Kirby:
See below. I was on the SWEC committee for about 25 years.

Gary Stewart

----- Original Message -----

From: GARY STEWART <gstewart3324@comcast.net>
To: "lynnbwiles@gmail.com" <lynnbwiles@gmail.com>, "rkerry@londonderrynh.org" <rkerry@londonderrynh.org>
Date: 12/19/2022 2:07 PM
Subject: SWEC Committee

Lynn, Bob:

I have been thinking about retiring from the committee for about a year now. I have made my decision and I am bowing out. You have a great group of people and I have greatly enjoyed being around and interacting with all of you. The friendships are special to me.

I will send along any articles I see (mostly from UMass - Lowell sites) that are related to what we do or would be of interest.

I will continue to collect oil according to the schedule.

Respectfully,
Gary Stewart

This email was scanned by Bitdefender

41 Roll call vote: Councilor Franz, opposed; Councilor Butler, agreed; Vice Chairman Green, agreed;
42 Councilor Paul, opposed; and Chairman Farrell agreed. Motion passes 3-2-0.

43

44 **Budget Workshop**

45

46 Finance Director Justin Campo presented. Campo discussed meals and rooms revenue and DPW
47 vehicle maintenance budgeting. Campo stated that he also lowered the LPEA contract dollar value.

48

49 The Council discussed what services they want to decrease. Vice Chairman Green stated to stay
50 away from personnel and Old Home Day. There was no discussion from Town Council or Budget
51 Committee.

52

53 **Order #2022-22 An Order Relative to the Expenditure of Maintenance Trust Fund for**
54 **Various Projects**

55

56 Director of Public Works and Municipal Facilities, Dave Wholley, presented. This Order is for
57 emergency roof repair at Leach Library. The Council discussed the history of the roof and things
58 that can be done going forward since the roof is not that old. Motion to approve Order #2022-22
59 made by Councilor Franz and seconded by Vice Chairman Green. Chair votes 5-0-0.

60

61 **Ordinance #2022-07 – Rezoning Application (Gizmo Enterprises, LLC)**

62

63 This is the first reading of Ordinance #2022-07. Motion to approve the first reading and waive it
64 made by Vice Chairman Green and seconded by Councilor Franz. Chair votes 5-0-0. The Public
65 Hearing will be on January 9, 2023. Malaguti stated that it's listed as #2022-07 now but with the
66 Public Hearing occurring next year, it will be #2023-01.

67

68 **Resolution #2022-23 – Commercial Industrial Tax Exemption Program (Revision)**

69

70 Town Manager Malaguti presented. Malaguti stated that this is a first reading as well. Motion to
71 waive the first reading made by Councilor Franz and seconded by Vice Chairman Green. Chair
72 votes 5-0-0.

73

74 **Approval of Minutes**

75

76 Motion to approve the Town Council Minutes from December 5th made by Councilor Franz and
77 seconded by Vice Chairman Green. Chair votes 5-0-0.

78 **Appointments/Reappointments**

79

80 The Council did year-end interviews and re-appointments:

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Conservation Commission

Motion to approve the reappointment of David Heafey as a member on the Conservation Commission with a term expiring 12/31/2025 made by Councilor Franz and seconded by Councilor Butler. Chair votes 5-0-0.

Motion to approve the reappointment of Bob Maxwell as a member on the Conservation Commission with a term expiring 12/31/2025 made by Councilor Franz and seconded by Councilor Butler. Chair votes 5-0-0.

Planning Board

Motion to approve the reappointment of Al Sypek as a member on the Planning Board with a term expiring 12/31/2025 made by Vice Chairman Green and seconded by Councilor Franz. Chair votes 5-0-0.

Motion to approve the reappointment of Lynn Wiles as a member on the Planning Board with a term expiring 12/31/2025 made by Vice Chairman Green and seconded by Councilor Franz. Chair votes 5-0-0.

Motion to approve the reappointment of Roger Fillio as an alternate member on the Planning Board with a term expiring 12/31/2025 made by Vice Chairman Green and seconded by Councilor Franz. Chair votes 5-0-0.

ZBA

Resignation of David Armstrong from the ZBA read into the record. Motion to accept the resignation made by Councilor Franz and seconded by Vice Chairman Green. Chair votes 5-0-0.

Motion to approve the reappointment of Jacqueline Benard as a member on the ZBA with a term expiring 12/31/2025 made by Councilor Franz and seconded by Vice Chairman Green. Chair votes 5-0-0.

Irene Macarelli is currently an alternate member and is looking to be appointed to the full-time position. The Council suggested she comes to the next Council meeting to be interviewed.

Heritage Commission

120 Motion to approve the reappointment of Art Rugg as a member on the Heritage Commission with
121 a term expiring 12/31/2025 made by Vice Chairman green and seconded by Councilor Franz. Chair
122 votes 5-0-0.

123

124 Motion to approve the reappointment of Kristen Endyke as a member on the Heritage Commission
125 with a term expiring 12/31/2025 made by Vice Chairman green and seconded by Councilor Franz.
126 Chair votes 5-0-0.

127

128 Motion to approve the reappointment of John Mahon as a member on the Heritage Commission
129 with a term expiring 12/31/2025 made by Vice Chairman green and seconded by Councilor Franz.
130 Chair votes 5-0-0.

131

132 Senior Resources Committee

133

134 The Council interviewed Barbara Mee for the full-member open positions on the Senior Resources
135 Committee.

136

137 Motion to appoint Barbara Mee as a full member on the Senior Resources Committee made by
138 Vice Chairman Green and seconded by Councilor Butler. Chair votes 5-0-0.

139

140 Anne Fenn was unable to attend by Vice Chairman Green vouched for her. Motion to appoint
141 Anne Fenn as a full member on the Senior Resources Committee made by Vice Chairman Green
142 and seconded by Councilor Franz. Chair votes 5-0-0.

143

144 **Other Business**

145

146 Town Manager Malaguti discussed a little more in detail the tax exemption.

147

148 **Adjournment**

149

150 **Motion:** Vice Chairman Green

151 **Second:** Councilor Franz

152 Chair votes 5-0-0

153

154 Minutes taken by Kirby Brown on 12/19/2022

155 Minutes typed by Kirby Brown on 12/28/2022

156 Minutes approved by Town Council on 1/09/2023